

25

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

S.B.: Hon'ble Shri Satish K. Agnihotri, J.

Writ Petition (s) No. 1728 of 2007

Petitioner : Smt. Durga bai, aged about 20 years,
W/o Subey Lal, R/o - Barkohi, Tahsil -
Kawardha, Distt.-Kabirdham (C.G.)

Respondents **Versus**

1. State of Chhattisgarh
Panchayat & Social Welfare
2. Project Officer,
Bal Vikas Sewa Pariyojna, Bodla,
District - Kabirdham (C.G.)
3. Collector,
District - Kabirdham (C.G.)
4. Smt. Pushpa Bai, W/o. Hulas Ram
Sahu, R/o Barkohi, Tahsil Kawardha,
Distt. - Kabirdham.

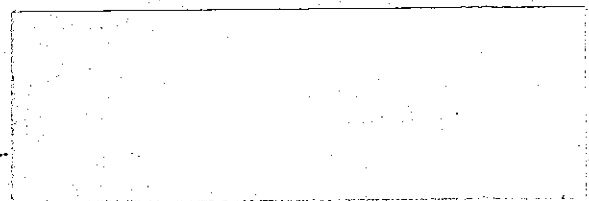
Mr. H.V. Sharma, counsel for the petitioner.

Mr. Vinay Pandey, Panel lawyer for the respondents No. 1 to 3/State.

ORDER

(Passed on 22nd day of March, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner was duly selected as Aanganwadi Worker vide order dated 1.11.2006 (P/1). The petitioner, thereafter, joined the post of Aanganwadi Worker on 14.11.2006 (P/3). During the services of the petitioner, the respondent No. 4 filed an objection by filing Revenue Case No. 35 B-121 2006-07 objecting the appointment of the petitioner on the ground that the petitioner is not the resident of Village Barkuhi. Her name as well as her husband's name are also not shown in the voter list. On the basis of her residence at Barkuhi, she has also applied for appointment on the post of Aanganwadi Worker in the Gram Panchayat, Barouchan.
2. The Additional Collector, Kabirdham, after affording an opportunity of hearing to the petitioner, accepted the objection and directed the



27

Project Officer to pass appropriate amended order vide order dated 27.11.2006 (P/2).

3. The petitioner has filed this petition under Article 226 of the Constitution of India seeking adjudication on facts on the ground that Tahsildar of the area has given certificate to the effect that the petitioner is the resident of Village Barkuhi.
4. According to learned counsel appearing for the petitioner, the requirement of Aanganwadi-Worker is under clause 1 (3) of the Circular No. F-1A/99/95/50-1 dated 6th January, 2000 provides that the name of the candidate applying for Aanganwadi Worker must be shown in voter list and should be resident of the same village. Learned counsel further states that the petitioner has produced a certificate of the Tahsildar, wherein it is clearly stated that the petitioner is the resident of village Barkuhi. The Additional Collector, Kabirdham has ignored the certificate of the Tahsildar, while coming to the conclusion that the petitioner is not entitled to be appointed as Aanganwadi Worker.
5. I have heard learned counsel appearing for the parties and perused the pleadings and documents appended thereto, it is apparent that the finding of the Additional Collector is not based on certain facts. Thus, the order dated 27.11.2006 (P/2) is set aside. The matter is remitted back to the Additional Collector, Kabirdham for rehearing the case of afresh after affording an opportunity of hearing to all the parties concerned.
6. The writ petition is accordingly allowed to the above extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Babu/